



John T. Auburger
Supervisor

TOWN OF GREECE

BOARD OF ZONING APPEALS

MINUTES

MAY 18, 2010

General Information:

Work Session: 6:30 pm.

Meeting: 7:00 pm.

Roll Call:

Albert F. Meilutis, Chairman

Diana Christodaro

Randy T. Jensen

William F. Murphy

Christopher A. Schiano, Deputy Town Attorney

Ivana Frankenberger, Planning Assistant

Mary Jo Santoli, Secretary to the Zoning Board

Absent:

John J. Riley

Pledge of Allegiance

Additions/Deletions to the Agenda

Announcements:

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OLD BUSINESS:

None

NEW BUSINESS:

- 1. Applicant:** Donald W. Kiser
Location: 100 Raspberry Patch Drive
Mon. Co. Tax No.: 044.04-9-56
Zoning District: R1-E (Single-Family Residential)
Request: An area variance for a proposed freestanding, 25.0 ft. high antenna tower, for an amateur station and amateur service, disguised as a flagpole, to be located in a front yard, where antennas and antenna towers are permitted in side and rear yards only. Sec. 211-54 B (3)

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 100 Raspberry Patch Drive, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (10) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

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Mr. Murphy then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Donald Kiser, 100 Raspberry Patch Drive, Mr. Kiser appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed freestanding, 25.0 ft. high antenna tower, for an amateur station and amateur service, disguised as a flagpole, to be located in a front yard, where antennas and antenna towers are permitted in side and rear yards only.

WHEREAS, Mr. Kiser stated that he has lived at the residence the last two years and the purpose of the antenna and the flagpole setup is because he is an amateur radio operator and he does this at home. The reason for the placement of the flagpole and the antenna is because he has no side yard and there are problems with a creek and a floodplain easement in the rear yard. He stated that he has spoken to his neighbors to the back and sides and there is no problem with him putting it up from his neighbors.

WHEREAS, it is my opinion that granting the above-mentioned variance will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties should this variance be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variance in my opinion is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and the alleged difficulty, however, was self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

WHEREAS, I move to approve this application with two conditions:

1. That the applicant sign a Hold Harmless Agreement with the Town of Greece.
2. And that the approval is for the life of the flagpole.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Conditions

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- 2. Applicant:** David S. & Crystal S. Camera
Location: 105 Fontana Lane
Mon. Co. Tax No.: 045.01-2-68
Zoning District: R1- E (Single-Family Residential)
Request: An area variance for a proposed principal structure addition (14.0 ft. x 19.0 ft.; 266.0 sq. ft.) to have a rear setback of 25.0 ft., instead of the 37.5 ft. minimum required. Sec. 211-11 D (2), Table I

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 105 Fontana Lane, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (9) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of David & Crystal Camera, 105 Fontana Lane, David S. Camera appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed principal structure addition (14.0 ft. x 19.0 ft.; 266.0 sq. ft.) to have a rear setback of 25.0 ft., instead of the 37.5 ft. minimum required.

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WHEREAS, the applicant testified before us this evening that he has lived there for approximately fifteen years and the reason for the addition is for more space, which would include a family room off the kitchen. It was asked of the applicant if this could be placed somewhere else on the lot or on the home and the applicant stated this goes with the layout of the house and with the property itself. The unique shape of the lot, which is a pie-shaped lot with the north side longer than the south side, made it so the addition will have to go where it is placed on the site map. The materials will be the same as it currently is at the residence, and the work will be done by a private contractor. One of the unique aspects of the home is, on the south side there are trees for privacy and those trees will remain along with the chain-link fence.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board.

THEREFORE, I move to approve this application.

Seconded by Ms. Christodaro and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved

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- 3. Applicant:** Scott A. Solveson
Location: 1521 Latta Road
Mon. Co. Tax No.: 046.14-9-5
Zoning District: R1-12 (Single-Family Residential)
Request:
- a) An area variance for a proposed accessory structure (detached garage) to have an overall height of 23.0 ft., instead of the 17.0 ft. maximum permitted. Sec. 211-11 E, Table I
 - b) An area variance for all existing and proposed accessory structures (including attached garage) totaling 2520 sq. ft., where 1250 sq. ft. is the maximum gross floor area permitted for lots over one acre in area. Sec. 211-11 E (1), Table I
 - c) An area variance for total gross floor area of proposed accessory structures and existing attached garage on the premises (2520 sq. ft.) exceeding the total area of the principal structure (2002 sq. ft.) on the premises. Sec. 211-11 E (1), Table I

On a motion by Mr. Meilutis and seconded by Mr. Jensen, it was resolved to close the public hearing on this application and reserve decision until the meeting of June 1, 2010.

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

**Motion Carried
Hearing Closed and Decision
Reserved Until Meeting of
June 1, 2010**

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- 4. Applicant:** Philip D. Haberek
Location: 80 Rumson Road
Mon. Co. Tax No.: 046.20-1-41
Zoning District: R1-E (Single-Family Residential)
Request: a) An area variance for a proposed principal structure addition (attached garage with a 2nd-story living space, 22.5 ft. x 24.0 ft., 540 sq. ft. to the south; and attached garage, 10.0 ft. x 24.0 ft., 240.0 sq. ft. to the north), to have a (west) side setback of 5.5 ft., instead of the 8.0 ft. minimum required. Sec. 211-11 D (2), Table I
b) An area variance for all existing and proposed accessory structures totaling 1437 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots less than 16,000 sq. ft. in area. Sec. 211-11 E (1), Table I

Mr. Murphy offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 80 Rumson Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes a Type II action under SEQRA. (See § 617.5 (c) (9), (10) & (12) of the SEQRA Regulations).
2. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned documentation, testimony, information and findings, no further action relative to this proposal is required by SEQRA.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

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Mr. Murphy offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Philip Haberek, 80 Rumson Road, Mr. Haberek appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed principal structure addition (attached garage with a 2nd-story living space, 22.5 ft. x 24.0 ft., 540 sq. ft. to the south; and attached garage, 10.0 ft. x 24.0 ft., 240.0 sq. ft. to the north), to have a (west) side setback of 5.5 ft., instead of the 8.0 ft. minimum required; and an area variance for all existing and proposed accessory structures totaling 1437 sq. ft., where 800 sq. ft. is the maximum gross floor area permitted for lots less than 16,000 sq. ft. in area.

WHEREAS, the applicant stated that he has lived at the Rumson Road address for the last five-and-a-half years, and the purpose for the expansion is because he would like to move the garage area out flush with the front of his house and add living space above it. He has four vehicles that he could place in the garage, keeping everything under cover, and add a master bathroom, bedroom, and an extra bedroom to the home in the proposed second story addition, over the proposed garage area. He stated that the new construction will match the existing exterior with some type of siding. He stated that he is going to do the work and contract out what he is unable to do. He has spoken to his neighbors and his neighbors are showing support for the project.

WHEREAS, it is my opinion that granting the above-mentioned variances will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties should these variances be granted. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue. The requested area variances in my opinion are not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and the alleged difficulty, although self-created, which consideration is relevant to the decision of the Board, but shall not necessarily preclude the granting of this area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board.

THEREFORE, I move to approve this application.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved

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- 5. Applicant:** Rochester Optical
Location: 2150 West Ridge Road
Mon. Co. Tax No.: 074.15-15-19
Zoning District: BR (Restricted Business)
Request: a) An area variance for a proposed freestanding sign, with a sign area of 32.0 sq. ft., instead of the 20.0 sq. ft. permitted. Sec. 211-52 B (d), Table VI
b) An area variance for a proposed freestanding sign, to be located a distance of 5.0 ft. from the north right-of-way line of West Ridge Road, instead of the 15.0 ft. minimum required. Sec. 211-52 B (b) [1]

Mr. Jensen offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2150 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Mr. Jensen then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Rochester Optical, 2150 West Ridge Road, Jeremy Ho, representing Rochester Optical, appeared before the Board this evening requesting an area variance for a proposed freestanding sign, with a sign area of 32.0 sq. ft., instead of the 20.0 sq. ft. permitted; and an area variance for a proposed freestanding sign, to be located a distance of 5.0 ft. from the north right-of-way line of West Ridge Road, instead of the 15.0 ft. minimum required.

WHEREAS, the applicant testified that the business opened in October of 2009 and they spent quite a bit of money to renovate the building, formerly a Starbucks restaurant. The business is Sports Eyewear Optical business and is one of the only ones on the east

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coast, and the building-mounted sign is not sufficient for customers wishing to visit their store. Customers are having a problem finding the store on West Ridge Road due to the busy intersection both eastbound and westbound lanes. The applicant was asked if it was possible to make the sign smaller, but the belief of the applicant is that it was a perfect size for the customers when they are traveling the proper speed limit on West Ridge Road. A smaller sign would make it extremely difficult for customers to see the location of the business. The sign will be lit, but when the business is closed, the lights on the sign will be off.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact,

I move to approve this application with the following condition:

1. That this approval is for the life of the sign.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Condition

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- 6. Applicant:** PEP, LLC
Location: 2496 West Ridge Road
Mon. Co. Tax No.: 074.14-2-12
Zoning District: BR (Restricted Business)
Request: An area variance for an existing business center to have 110 parking spaces, instead of the 166 minimum required. Sec. 211-45 Q & 211-45 S (1)

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 2496 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Ms. Christodaro offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of PEP, LLC, 2496 West Ridge Road, Betsy Brugg, an attorney with Fix Spindelman Brovitz and Goldman, appeared before the Board of Zoning Appeals this evening on behalf of PEP, LLC requesting an area variance for an existing business center to have 110 parking spaces, instead of the 166 minimum required.

WHEREAS, the applicant's representative testified that this site is an existing 27,428 sq. ft. shopping center on the north side of Ridge Road between Long Pond Road and Mitchell Road. The space is 2800 sq. ft., which would be a new hibachi and sushi restaurant that would be entering the plaza; the plaza is located in a BR zoning district. The proposed hours of operation for the hibachi and sushi restaurant would be 11:00 a.m. to 10:00 p.m., with their peak hours being at dinnertime and their lesser hours would be lunch hours. The peak times of the other users in the plaza are mixed and different from the restaurant's use.

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There are at least two other major tenants in the plaza that are closed during the peak hours of this restaurant. In 2001, a variance was granted to allow 108 parking spaces where 156 parking spaces were required for the tenants at that time. There are no changes proposed to be made in the parking lot and the applicant has agreed that should such changes be made in the parking lot anytime in the future that they would work with the Planning Department and Scott Copey to get that taken care of. The applicant's representative did agree to discuss with the applicant the Board's parking concerns and requiring employee parking in the rear.

WHEREAS, in going through the criteria for an area variance, an undesirable change will not be produced in the character of the neighborhood, nor will it be a detriment to nearby properties; the variance is keeping in character with other parking lots in this area. The benefit sought by the applicant cannot be achieved by some other method feasible for the applicant to pursue; the site is built out, so that the applicant is limited to the existing parking on the property. The area variance is small, so therefore it is not substantial. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or the district; the variance will leave the number of spaces on the property unchanged. And the applicant testified that the alleged difficulty is not self-created because it arises from the nature of the plaza development and economic factors and the physical constraints of the property.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve the application with the following conditions:

1. That an updated survey map be submitted to the Town to accurately reflect curb cuts and concrete barriers on the property.
2. That the applicant puts up directional and "No Parking" signage to address the adjacent property owner's parking concerns. If that adjacent property owner has further concerns, she would bring them to the Town and the two owners would work together to satisfy both of them, working with the Town as well.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Conditions

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- 7. Applicant:** Rare Hospitality International, Inc.
Location: 1877-1899 West Ridge Road
Mon. Co. Tax No.: 074.20-2-2
Zoning District: BG (General Business)
Request: a) An area variance for a proposed building-mounted sign with a sign area of 68.9 sq. ft., instead of the 50.0 sq. ft. permitted. Sec. 211-52 (2)(c)[1], Table VII
b) An area variance for a second proposed building-mounted sign, with a sign area 68.9 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted. Sec. 211-52 (2)(a)[1] & Sec. 211-52 (2)(c)[1], Table VII

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1877-1899 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.

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8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Ms. Christodaro then offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Rare Hospitality International, Inc., 1877-1899 West Ridge Road, Betsy Brugg, their representative, appeared before the Board this evening requesting an area variance for a proposed building-mounted sign with a sign area of 68.9 sq. ft., instead of the 50.0 sq. ft. permitted; and an area variance for a second proposed building-mounted sign, with a sign area 68.9 sq. ft., instead of the one 50.0 sq. ft. building-mounted sign permitted.

WHEREAS, in testimony this evening, this is a proposed Longhorn Steakhouse restaurant that will be going into the northeast portion of the Latona Crossing Development site. It will be construction of a 5,695 approximate sq. ft. restaurant, full service casual

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dining. The overall site is approximately 4.92 acres in size, located in a BG business district. With regard to the front setback, the setback pertains to just the front vestibule of the restaurant. The minimum setback is 100 ft., and the bulk of the building frontage is set back at past the 100 ft. The variance requested with the vestibule is 86.7 ft. from the right-of-way. This vestibule is an entrance area used in the restaurant.

WHEREAS, with regard to the signs, the applicant is proposing two Longhorn Steakhouse signs located on the front or the north side of the building and also on the west side of the building. The two signs will be 68.87 or 68.9 sq. ft. in size each. While the Town allows for only one, based on the fact that the vestibule is what is prompting it to be only a 50 sq. ft. sign as opposed to up to 125 sq. ft. sign if the vestibule was not on the property, I do not think it is out of line to grant a larger sign and I also don't think that having a sign on the west side hurts the property; I think it is a nice benefit to the flow of traffic on West Ridge Road.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact,

I am going to approve both signs on the property at 68.9 sq. ft., with the condition that if there is a reason to take one of the signs down and relocate it, then they must come back to this Board for approval. These variances are limited to the north and west sides of the building.

Seconded by Mr. Murphy and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		
			Motion Carried	
			Application Approved	
			With Conditions	

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- 8. Applicant:** Rare Hospitality International, Inc.
Location: 1877-1899 West Ridge Road
Mon. Co. Tax No.: 074.20-2-2
Zoning District: BG (General Business)
Request: An area variance for a proposed freestanding restaurant to have a front setback of 86.7 ft. (measured from the south right-of-way of West Ridge Road), instead of the 100.0 ft. minimum required. Sec. 211-17 B (4), Table III

Ms. Christodaro offered the following resolution and moved for its adoption:

WHEREAS, this application came before the Town of Greece Board of Zoning Appeals (the "Board of Zoning Appeals") relative to the property at 1877-1899 West Ridge Road, as outlined above; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Board of Zoning Appeals makes the following findings:

1. Upon review of the application, the Board of Zoning Appeals determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617 *et seq.*, the "SEQRA Regulations") (collectively, "SEQRA"), and that the application constitutes an Unlisted action under SEQRA.
2. The Board of Zoning Appeals has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, 1 Vince Tofany Boulevard, at which time all persons and organizations in interest were heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Board of Zoning Appeals' consideration.
4. The Board of Zoning Appeals carefully has considered an Environmental Assessment Form and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
5. The Board of Zoning Appeals carefully has considered additional information and comments that resulted from telephone conversations, meetings, or written correspondence from or with the Applicant and the Applicant's representatives.
6. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development, the Town of Greece Environmental Board, and the Town's own staff.
7. The Board of Zoning Appeals carefully has considered information, recommendations, and comments that resulted from telephone conversations, meetings, or written correspondence from or with nearby property owners, and all other comments submitted to the Board of Zoning Appeals as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.

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9. The Board of Zoning Appeals has met the procedural and substantive requirements of SEQRA.
10. The Board of Zoning Appeals carefully has considered each and every criterion for determining the potential significance of the Proposal upon the environment, as set forth in SEQRA.
11. The Board of Zoning Appeals carefully has considered (that is, has taken the required "hard look" at) the Proposal and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
12. The Board of Zoning Appeals concurs with the information and conclusions contained in the Environmental Analysis.
13. The Board of Zoning Appeals has made a careful, independent review of the Proposal and the Board of Zoning Appeals' determination is rational and supported by substantial evidence, as set forth herein.
14. To the maximum extent practicable, potential adverse environmental effects revealed in the environmental review process will be minimized or avoided by the incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Board of Zoning Appeals' own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Board of Zoning Appeals determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried

Ms. Christodaro offered the following resolution and moved its adoption:

WHEREAS, with regard to the application of Rare Hospitality International, Inc., 1877-1899 West Ridge Road, their representative, Betsy Brugg, appeared before the Board of Zoning Appeals this evening requesting an area variance for a proposed freestanding restaurant to have a front setback of 86.7 ft. (measured from the south right-of-way of West Ridge Road), instead of the 100.0 ft. minimum required.

WHEREAS, in testimony this evening, this is a proposed Longhorn Steakhouse restaurant that will be going into the northeast portion of the Latona Crossing Development site. It will be construction of a 5,695 approximate sq. ft. restaurant, full service casual dining. The overall site is approximately 4.92 acres in size, located in a BG business district. With regard to the front setback, the setback pertains to just the front vestibule of the restaurant. The minimum setback is 100 ft., and the bulk of the building frontage is

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set back at past the 100 ft. The variance requested with the vestibule is 86.7 ft. from the right-of-way. This vestibule is an entrance area used in the restaurant.

WHEREAS, with regard to the variance for the setback:

1. Will an undesirable change be produced in the character of the neighborhood? No, an undesirable change will not be produced. This is consistent with other setbacks in the neighborhood. It only pertains to a small part of the building, which is the front vestibule.
2. Can the benefit sought by the applicant be achieved by some other method? No, the drive aisles on the site kind of determine where this building needs to be laid out.
3. The area variance is not substantial. Again, it is just a small section on the front of the restaurant.
4. They will not have any adverse effect or impact on the physical or environmental conditions of the neighborhood or the district.
5. While the alleged difficulty could be considered self-created, it is not relevant to the decision of the Board and does not preclude the granting of the area variance.

WHEREAS, having reviewed all the testimony and evidence as just summarized in the findings of fact; and

Having considered the statutory factors set forth in New York State Town Law, Section 267-b, and finding that the evidence presented meets the requirements of this section; and

Having found that there is no significant detriment to the health, safety, and welfare of the neighborhood or community, and that the benefit to the applicant is substantial; and

Having found that this is a Type II action pursuant to SEQRA, requiring no further action by this Board,

THEREFORE, I move to approve this application on the setback with the condition that Planning Board approval for the site plan is obtained.

Seconded by Mr. Jensen and duly put to a vote, which resulted as follows:

Vote:	Ms. Christodaro	Yes	Mr. Jensen	Yes
	Mr. Meilutis	Yes	Mr. Murphy	Yes
	Mr. Riley	Absent		

Motion Carried
Application Approved
With Condition

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ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

The Board of Zoning Appeals of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Dated: _____
Albert F. Meilutis, Chairman

J:\ZoningBoard\Minutes\2010 Minutes\Minutes May 18 10.doc